

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

OCT 28 2005

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CLERK, U. S. DISTRICT COURT
DISTRICT OF HAWAII

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

Hawaii Children's Blood and
Cancer Group,

Plaintiff,

vs.

Hawai'i Pacific Health; Kapi'olani
Medical Specialists; Kapi'olani
Medical Center for Women and
Children.

Defendants.

) Civil No. CV 03-00708 SOM/LEK
)
) SECOND STIPULATION AND ORDER
) EXTENDING TIME FOR THE
) PARTIES TO SUBMIT THE WRITTEN
) REPORTS OF THEIR EXPERTS
)
) JUDGE: Hon. Susan Oki Mollway
) U.S. District Judge
) Hon. Leslie E. Kobayashi
) U.S. Magistrate Judge
)
) TRIAL: MAY 25, 2005

SECOND STIPULATION AND ORDER EXTENDING TIME FOR THE
PARTIES TO SUBMIT THE WRITTEN REPORTS OF THEIR EXPERTS

WHEREAS, by Minute Order dated July 19, 2005, District Court
Judge Susan Oki Mollway set November 21, 2005 as the due date for Plaintiff
Hawaii Children's Blood and Cancer Group to disclose the identity and written
reports of its experts; and December 21, 2005 as the due date for Defendants

EXHIBIT B

Hawai'i Pacific Health, Kapi`olani Medical Specialists And Kapi`olani Medical Center For Women And Children's to disclose the identity and written reports of their experts; and

WHEREAS, the depositions of key witnesses whose testimony is essential for the experts to prepare their reports, will not be taken in time for Plaintiffs' experts to prepare and file their reports by November 21, 2005; and

WHEREAS, counsel for all parties have conferred and hereby agree to advance the cause of providing a full and fair exposition of the issues and evidence at trial without unduly delaying the progress of the law suit or the process;

WHEREAS, counsel for all parties have conferred and hereby agree that the foregoing due date for Plaintiff's experts' reports should be either 5 weeks from the date of the deposition of the final witness, or February 6, 2006, whichever is earlier; and Defendant's experts' reports are due thereafter within 30 days after receipt of the Plaintiff's experts' reports; and

WHEREAS, having conferred, counsel for all parties further agree that the due dates for the disclosure of the identity of their respective experts shall remain November 21, 2005 and December 21, 2005 respectively, and that such disclosures shall at that time provide initial statements containing the qualifications of the witness, including a list of all publications authored by the witness within

the preceding ten years, and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years;

WHEREAS, having conferred, counsel for all parties further agree that Plaintiffs shall make their experts available for oral deposition via video conference between February 18, 2006 and February 26, 2006 unless otherwise mutually agreed, and Defendants shall make their experts available for oral deposition via video conference between March 15, 2006 and March 21, 2006 unless otherwise mutually agreed;

WHEREAS, having conferred, counsel for all parties hereby further agree that the reports of Plaintiffs' experts shall be sufficient for all intents and purposes under Rule 26 if they are signed by the expert witness and provide the following:

1. a summary statement of all opinions to be expressed, summarizing the basis and reasons therefor in outline or "bullet-point" form, listing such data or other information considered by the witness in forming each opinion;
2. followed by a list of any exhibits to be used as a summary of or support for each opinion;

3. restating the qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years;
4. the compensation to be paid for the study and testimony; and
5. restating a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

WHEREAS, having conferred, counsel for all parties hereby further agree that to accommodate the foregoing schedule pertaining to expert reports and oral depositions the existing discovery cut-off date of March 24, 2006 should be extended one week to March 31, 2006.

NOW THEREFORE, in order to promote justice and a full and complete resolution of the claims and defenses herein,

IT IS HEREBY STIPULATED AND AGREED, by and between the parties that, subject to the Court's approval, the due date for Plaintiff to disclose the written reports of its experts in the form and content set forth above shall be extended to on or before February 6, 2006 as set forth herein; and the due date for Defendants to disclose the written reports of their experts in the form and content set forth above shall be 30 days from the date Plaintiffs disclose the reports of their experts;

IT FURTHER IS HEREBY STIPULATED AND AGREED, by and between the parties that Plaintiffs shall make their experts available for oral deposition via video conference between February 18, 2006 and February 26, 2006 unless otherwise mutually agreed, and Defendants shall make their experts available for oral deposition via video conference between March 15, 2006 and March 21, 2006 unless otherwise mutually agreed; and

IT FURTHER IS HEREBY STIPULATED AND AGREED, by and between the parties that leave of Court is requested for a one-week extension of the discovery cut-off date from March 24, 2006 to March 31, 2006 to accommodate the foregoing schedule of disclosures and oral depositions.

Counsel for all appearing parties have signed this Second Stipulation applying for enlargements of the time for their respective expert disclosures and a one-week enlargement of the discovery cut-off date, and setting the form and content of said reports.

The attorney(s) signing below are deemed authorized to commit themselves, their law firms and their client(s) to the terms of this Second Stipulation And Order Extending Time For The Parties To Submit The Written Reports Of Their Experts.

This Stipulation may be executed in separate counterparts, each of

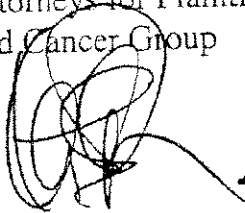
which when so executed and delivered shall be an original, but all such counterparts shall together constitute but one and the same instrument.

Dated: Honolulu, Hawai'i, October 27, 2005



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for Women and Children

IT IS SO ORDERED

DATED: OCT 28 2005

LESLIE E. KOBAYASHI

LESLIE E. KOBAYASHI
U.S. Magistrate Judge

Hawaii Children's Blood and Cancer Group vs. Hawai'i Pacific Health, et al.,
Civil No. CV 03-00708 SOM LEK; SECOND STIPULATION AND ORDER
EXTENDING TIME FOR THE PARTIES TO SUBMIT THE WRITTEN
REPORTS OF THEIR EXPERTS